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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,693

Applicant(s)

KATAOKA, MITSUTERU

Examiner

JAMES R. MARANDI

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-33, 35-37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-33, 35-37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to applicant's amendment filed on 8/26/09. Claims 1-15, 17-33, 35-37, and 39 are presently pending. Claims 16, 34, and 38 have been canceled.

1.1. In view of applicant's amendment, objections to claim 39, presented in the Office Action of 5/27/2009, is hereby withdrawn.

Response to Arguments

2. Applicant's arguments filed 8/26/2009 have been fully considered but they are not persuasive.

2.1. Applicant observes that "In Ellis, an example of the recommendation reason (e.g., the reason "ONLY LIKES") is shown in Fig. 19. However, the recommendation

reason of present invention is clearly different from Ellis." Page 12 of Remarks,
2nd paragraph

Examiner disagrees. Ellis "Only Likes" reason is just an example for illustrative purposes. Ellis has further disclosed other characteristics/ recommendation reasons, for example attributes in Figs. 2, 3, 7, 9, etc... Such attributes are not different from applicants "reasons" such as "frequently viewed" (Step S604 of applicant's Fig. 18, which is disclosed by Ellis in Fig. 14, where frequency of viewing is monitored as a factor in recommending programs), or "Specific Performer" (Step S606 of applicant's Fig. 18, which is disclosed by Ellis for example as "John Wayne" in Fig.3), or "Specific Genre" (Step S608 of applicant's Fig. 18, which is disclosed by Ellis for example as "comedy" in Fig.3).

2.2.Applicant further presents that:

For example, Fig. 18 of the Applicants' disclosure describes the present invention (as recited in independent claim 1, 19 and 39) in more detail. As described in Fig. 18, a set of recommended programs is extracted in step S601; one recommended program is selected in step S603; and the recommendation reason as to the selected program is obtained in steps S604 through S609. After obtaining a recommendation reason for all recommended programs, the control of the recommended program

notification device goes to step S611. Page 12 of Remarks, 3rd paragraph

In other words, the process of the present invention (noted above) is as follows: a) a plurality of recommended program candidates are extracted; b) each recommendation reason for each of the plurality of recommended programs candidates is checked; and c) the screen which includes a character string indicating the recommendation reason is generated and displayed (i.e., a screen which includes character strings indicating respectively varying recommendation reasons as to a plurality of programs can be displayed). Page 12 of Remarks, 4th paragraph

Examiner observes that:

As to applicant's step S601 (same as a) **a plurality of recommended program candidates are extracted**), applicant has not disclosed and/or specified how and on what basis these programs are extracted, or where they are extracted from. In the absence of such disclosure, broadest reasonable interpretation of applicant's claims will be based on definitions and knowledge available at the time of invention, such as Ellis' disclosure, where recommended programs are developed based on implicit and/or explicit selection by the viewer, in order to arrive at a set of recommended programs, as in step "a".

As to b) each recommendation reason for each of the plurality of recommended programs candidates is checked, comprising steps S604, S606, and S608, applicant culls the "Set of Recommended Programs" (from S601), based on a "Set of Characteristics" such as for example "Genre", "Performer". This is the same as Ellis' disclosure whereby the "Set of Recommended Programs" are further subjected to the Scope "Only Likes". One skilled in the art will recognize that the viewer may decide to cull the population of recommended programs and view only the ones with the desired performer, such as "John Wayne" (as in Ellis' Fig. 3). At which point, the viewer may tune to the program with the specific characteristics.

Though Ellis discloses a notification screen (a reminder as in 158 in Fig. 15), he does not disclose **causing the generated recommendation condition to be included in the notification screen**.

However, DeFreese, in analogous art, discloses **causing the generated recommendation condition to be included in the notification screen**, for example the star 442 in Fig. 21 is indicative that the program is on the list of viewer's favorite (Col. 27, lines 59- 64)

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to modify the system of Ellis with DeFreese's

invention in order to add an indication of why the program is recommended as a convenient way for the user to be kept informed of various programs of interest to the user at the appropriate time according to user preferences.

2.3. Applicant further argues that:

In addition, as shown Fig. 19 of Ellis, a number of programs are displayed with respect to one recommendation reason. However, Ellis does not disclose or suggest that a recommendation reason (which corresponds to each of the plurality of programs) is individually selected and displayed, as in the present invention (as recited in independent claims 1, 19 and 39). In other words, Ellis cannot collectively display a plurality of recommended programs whose recommendation reasons are different from one another. The present invention (as recited in independent claims 1, 19 and 39), on the other hand, provides the advantageous effect of allowing the display of the respectively varying recommendation reasons as to a plurality of programs. Page 12 of Remarks, last paragraph through Page 13 of Remarks, 1st paragraph

Examiner disagrees. Programs reflected in Fig. 19 of Ellis would be the same as the result of applicants step S611 (Fig. 18), through in this example, they all have characteristics of "Only Likes" in common, they are however very different, as ER

belongs to a Genre of "Drama", and Seinfeld to "Comedy". Of course, as presented above, Ellis does not include the reason for recommendation with the display of the program. However, DeFreese meets this limitation as analyzed.

2.4. Applicant further argues that **"Finally, in Ellis, when "selecting a recommendation condition," a user's preference is selected and inputted into a profile. However, Ellis fails to disclose or suggest that after the recommendation program is executed, the CPU automatically selects the reason for the extraction, as in the present invention (as recited in independent claims 1, 19 and 39)."** Page 13 of Remarks, 2nd paragraph

Applicant has not disclosed and/or specified how and on what basis the recommendation reasons in steps S604, S606, and S608 are selected and by whom. It is not specified whether these selections are done manually by the viewer or by the program. In the absence of such disclosure, broadest reasonable interpretation of applicant's claims will be based on definitions and knowledge available at the time of invention, such as Ellis' disclosure, where recommended programs are developed based on implicit and/or explicit selection by the viewer, such as in Fig. 19, where the viewer elects to view the recommended programs based on criteria "only likes". Such election is transmitted via screen 190 to the CPU effectuating automatic processing by the CPU.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 3, 7, 9- 12, 14, 17, 19- 21, 25, 27- 30, 32, 35, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over M.D. Ellis, USPN 7,185,355 (hereinafter "Ellis") in view of D.L. DeFreese et al., USPN 6,493,876 (hereinafter "DeFreese").

- 4.1. Regarding claim 1, Ellis discloses **a recommended program notification method notifying a user of a recommended program** (Fig. 25; Col. 13, lines 57-61), **comprising the steps of:**
- inputting a user's instruction including a recommendation control instruction** (Figs. 14, 15; Col. 11, lines 4-23);

detecting notification timing with which a notification of a recommended program is performed (Fig. 15, elements 156, 158), when the recommendation control instruction is not input (Col. 11, lines 21-23); and displaying a notification screen indicating the existence of a recommended program when the notification timing is detected (Fig. 15, steps 156, 158; Figs. 25, and 26; Col. 14, lines 20-24).

selecting each recommendation condition, which corresponds to the recommended program, to be displayed from among a plurality of recommendation conditions (as shown in the process flows of Figs. 2a and 2b, through a series of menus, such as Figs. 3, 7, 8, 12, and 13, a series of recommendation conditions are presented to the user for his/her selection. One such characteristic, for example "only likes" is used, as in Fig. 19, to further provide a specific view of the recommended programs to the viewer);

generating each recommendation reason, which corresponds to the recommended program, from the selected recommendation condition (as shown in process flow of Fig. 6, once all attributes/preferences are selected, a list of resulting content matching the collective reasoning of the attributes is presented to the user. For example, Fig 19 shows the channels matching the Mike's profile, where the reason for this showing is what Mike likes only (196);

Ellis does not disclose **causing the generated recommendation condition, which corresponds to the recommended program, to be included in the notification screen.**

However, DeFreese, in analogous art, discloses **causing the generated recommendation condition to be included in the notification screen**, for example the star 442 in Fig. 21 is indicative that the program is on the list of viewer's favorite (Col. 27, lines 59- 64)

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to add an indication of why the program is recommended as a convenient way for the user to be kept informed of various programs of interest to the user at the appropriate time according to user preferences.

4.1.1. Regarding claim 2, Ellis discloses **wherein the notification timing detecting step detects timing with which a recommended program starts, as the notification timing** (Col. 11, lines 21-31).

4.1.2. Regarding claim 3, Ellis does not disclose **wherein the notification timing detecting step detects timing with which selected stations are changed, as the notification timing**. However, DeFreese discloses launching an information banner upon a change in channel (Fig. 4, elements 100, 106, 114; Col. 15, lines 1-12)

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

4.1.3. Regarding claim 7, Ellis discloses **displaying a list screen (226) indicating a list of recommended programs when the recommendation control instruction is input while the notification screen is being displayed** (Col. 13, lines 57- 61).

4.1.4. Regarding claim 9, Ellis does not explicitly disclose **erasing the notification screen when a predetermined time has elapsed while the notification screen is being displayed**. However, DeFreese discloses erasing the notification (banner) 114, upon elapse of a predetermined time (e.g. 2 seconds). (Fig. 4; Col. 15, lines 14-17)

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

- 4.1.5. Regarding claim 10, Ellis does not disclose **erasing the notification screen when an instruction other than the recommendation control instruction is input while the notification screen is being displayed.**

However, DeFreese discloses using various key strokes to erase the notifications (Figure 6, Col. 18, lines 50- 55).

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

- 4.1.6. Regarding claim 11, Ellis does not explicitly disclose **changing an information amount of a recommended program included in the notification screen when the recommendation control instruction is input.** However, DeFreese discloses **changing an information amount of a recommended program** (Fig. 4, compare elements 124 and 126; Col. 15, lines 34- 38) **included in the notification screen (124, 126) when the**

recommendation control instruction is input.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

4.1.7. Claim 12 is rejected by the same analysis as claims 11. Appearance and erasure of various menu/ notifications were further analyzed in claims 10.

4.1.8. Claim 14 is rejected by the same analysis as claims 12.

4.1.9. Regarding claim 17, the system of Ellis and DeFreese discloses **wherein the recommendation reason is any one of frequent viewing of a program, appearance of a specific performer in a program, belonging of a program to a specific genre, and inclusion of a specific character string in a document accompanying a program.** (See DeFreese Col. 27, lines 38- 41; though in the example theme and show times are sorted and presented, programs can be sorted and displayed based on any one of program characteristics)

4.1.10. Claim 37, computer code effectuating the method of claim 1 is rejected by same analysis.

4.2. Regarding claim 19, Ellis discloses a recommended program notification device of notifying a user of a recommended program (Fig. 25; Col. 13, lines 57-61), comprising:

displaying means of displaying a program video (Fig. 1, 40, 48);

inputting means (50) for inputting a user's instruction including a recommendation control instruction (Figs. 14, 15; Col. 11, lines 4-23);

controlling means (44) of controlling a content displayed on the displaying means based on an instruction input using inputting means (through interaction with STB 44, via remote control 50, the user is able to control what content from 36 is displayed on TV 48) ; and

timing detecting means detecting notification timing with which a notification of a recommended program is performed (Fig. 15, elements 156, 158), when the recommendation control instruction is not input (Col. 11, lines 21-23); and

wherein the controlling means controls the displaying means to display a notification screen indicating the existence of a recommended program when the notification timing is detected by the timing means (Fig. 15, steps 156, 158; Figs. 25, and 26; Col. 14, lines 20-24); to select each

recommendation condition, which corresponds to the recommended program, to be displayed from among a plurality of recommendation conditions (as shown in the process flows of Figs. 2a and 2b, through a series of menus, such as Figs. 3, 7, 8, 12, and 13, a series of recommendation conditions are presented to the user for his/her selection. One such characteristic, for example "only likes" is used, as in Fig. 19, to further provide a specific view of the recommended programs to the viewer); **to generate each recommendation reason, which corresponds to the recommended program, from the selected recommendation condition** (as shown in process flow of Fig. 6, once all attributes/preferences are selected, a list of resulting content matching the collective reasoning of the attributes is presented to the user. For example, Fig 19 shows the channels matching the Mike's profile, where the reason for this showing is what Mike likes only (196);

Ellis does not disclose **to cause the generated recommendation condition, which corresponds to the recommended program, to be included in the notification screen.**

However, DeFreese, in analogous art, discloses **to cause the generated recommendation condition to be included in the notification screen, for**

example the star 442 in Fig. 21 is indicative that the program is on the list of viewer's favorite (Col. 27, lines 59- 64)

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to add an indication of why the program is recommended as a convenient way for the user to be kept informed of various programs of interest to the user at the appropriate time according to user preferences.

4.2.1. Regarding claim 20, Ellis discloses **wherein the notification timing detecting step detects timing with which a recommended program starts, as the notification timing** (Col. 11, lines 21-31).

4.2.2. Regarding claim 21, Ellis does not disclose **wherein the notification timing detecting step detects timing with which selected stations are changed, as the notification timing**. However, DeFreese discloses launching an information banner upon a change in channel (Fig. 4, elements 100, 106, 114; Col. 15, lines 1-12)

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

- 4.2.3. Regarding claim 25, Ellis discloses **displaying a list screen (226) indicating a list of recommended programs when the recommendation control instruction is input while the notification screen is being displayed** (Col. 13, lines 57- 61).

- 4.2.4. Regarding claim 27, Ellis does not explicitly disclose **erasing the notification screen when a predetermined time has elapsed while the notification screen is being displayed**. However, DeFreese discloses erasing the notification (banner) 114, upon elapse of a predetermined time (e.g. 2 seconds). (Fig. 4; Col. 15, lines 14-17)

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

- 4.2.5. Regarding claim 28, Ellis does not disclose **erasing the notification screen when an instruction other than the recommendation control instruction is input while the notification screen is being displayed.** However, DeFreese discloses using various key strokes to erase the notifications (Figure 6, Col. 18, lines 50- 55).

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

- 4.2.6. Regarding claim 29, Ellis does not explicitly disclose **changing an information amount of a recommended program included in the notification screen when the recommendation control instruction is input.** However, DeFreese discloses **changing an information amount of a recommended program** (Fig. 4, compare elements 124 and 126; Col. 15, lines 34- 38) **included in the notification screen (124, 126) when the recommendation control instruction is input.**

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to provide additional viewing convenience to viewer.

4.2.7. Claim 30 is rejected by the same analysis as claims 29. Appearance and erasure of various menu/ notifications were further analyzed in claims 10.

4.2.8. Claim 32 is rejected by the same analysis as claims 30.

4.2.9. Regarding claim 35, the system of Ellis and DeFreese discloses **wherein the recommendation reason is any one of frequent viewing of a program, appearance of a specific performer in a program, belonging of a program to a specific genre, and inclusion of a specific character string in a document accompanying a program.** (See DeFreese Col. 27, lines 38- 41; though in the example theme and show times are sorted and presented, programs can be sorted and displayed based on any one of program characteristics)

4.3. Regarding claim 39, Ellis discloses a computer code for **notifying a user of a recommended program** (Fig. 25; Col. 13, lines 57-61), **the steps comprising: Displaying a program video** (Fig.1, programs are displayed on 48, or 40);

inputting a user's instruction including a recommendation control instruction (Figs. 14, 15; Col. 11, lines 4-23);

controlling a content displayed based on an instruction input (through interaction with STB 44, via remote control 50, the user is able to control what content from 36 is displayed on TV 48) ; and

detecting notification timing with which a notification of a recommended program is performed (Fig. 15, elements 156, 158), **when the recommendation control instruction is not input** (Col. 11, lines 21-23); and

selecting each recommendation condition, which corresponds to the recommended program, to be displayed from among a plurality of recommendation conditions (as shown in the process flows of Figs. 2a and 2b, through a series of menus, such as Figs. 3, 7, 8, 12, and 13, a series of recommendation conditions are presented to the user for his/her selection. One such characteristic, for example "only likes" is used, as in Fig. 19, to further provide a specific view of the recommended programs to the viewer);

generating each recommendation reason, which corresponds to the recommended program, from the selected recommendation condition (as shown in process flow of Fig. 6, once all attributes/preferences are selected, a list of resulting content matching the collective reasoning of the attributes is presented to the user. For example, Fig 19 shows the channels matching the Mike's profile, where the reason for this showing is what Mike likes only (196);

Ellis does not disclose **causing the generated recommendation condition, which corresponds to the recommended program, to be included in the notification screen.**

However, DeFreese, in analogous art, discloses **causing the generated recommendation condition to be included in the notification screen**, for example the star 442 in Fig. 21 is indicative that the program is on the list of viewer's favorite (Col. 27, lines 59- 64)

Therefore, it would have been obvious to one of ordinary skills in the art, at the time of invention, to modify the system of Ellis with DeFreese's invention in order to add an indication of why the program is recommended as a convenient way for the user to be kept informed of various programs of interest to the user at the appropriate time according to user preferences.

5. Claims 4, 5, 6, 8, 22, 23, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view DeFreese, in further view of S. M. Schein, USPN 6,732,369 (hereinafter "Schein").

5.1. Regarding claim 4, the system of Ellis and DeFreese does not disclose **where the notification timing detecting step detects timing with which a channel display starts, as the notification timing**. However, Schein, in analogous art, discloses displaying a menu upon **channel display start** (Figs 17; Col. 23, lines 23-33. In Fig. 17B, by clicking the remote, the banner display of 530 is launched on the screen. Element 530 is illustrated to give the user several options which allows for launching/ selection of other options (Menu elements 0- 3). One such option is shown in Fig. 17C where the viewer sees TLC 23 while at the same time watching ABC.

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis and DeFreese with Schein's invention in order to provide for ease of program navigation and selection.

5.1.1. Regarding claim 5, the system of Ellis and DeFreese, and Schein discloses **erasing the notification screen when the channel display is ended**. (Schein, Fig. 17B, menu item (0))

5.1.2. Claim 6 is rejected by the same analysis as claims 4.

5.2. Regarding claim 8, the system of Ellis and DeFreese does not disclose **displaying a video of a recommended program when the recommendation control instruction is input while the notification screen is being displayed.**

However Schein discloses **displaying a video of a recommended program** (Fig. 17C, TLC 23) **when the recommendation control instruction is input while the notification screen is being displayed** (Fig. 17C; Col 23, lines 40-42)

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis and DeFreese with Schein's invention in order to provide for ease of program navigation and selection.

5.3. Regarding claim 22, the system of Ellis and DeFreese does not disclose **where the notification timing detecting step detects timing with which a channel display starts, as the notification timing.** However, Schein, in analogous art, discloses displaying a menu upon **channel display start** (Figs 17; Col. 23, lines 23-33. In Fig. 17B, by clicking the remote, the banner display of 530 is launched on the screen. Element 530 is illustrated to give the user several options which allows for launching/ selection of other options (Menu elements 0- 3). One such

option is shown in Fig. 17C where the viewer sees TLC 23 while at the same time watching ABC.

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis and DeFreese with Schein's invention in order to provide for ease of program navigation and selection.

5.3.1. Regarding claim 23, the system of Ellis and DeFreese, and Schein discloses **erasing the notification screen when the channel display is ended.** (Schein, Fig. 17B, menu item (0))

5.3.2. Claim 24 is rejected by the same analysis as claim 22.

5.4. Regarding claim 26, the system of Ellis and DeFreese does not disclose **displaying a video of a recommended program when the recommendation control instruction is input while the notification screen is being displayed.**

However Schein discloses **displaying a video of a recommended program** (Fig. 17C, TLC 23) **when the recommendation control instruction is input**

while the notification screen is being displayed (Fig. 17C; Col 23, lines 40-42)

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis and DeFreese with Schein's invention in order to provide for ease of program navigation and selection.

6. Claims 13, 15, 18, 31, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of DeFreese, in further view of A. Wagner, USPN 6,335,736 (hereinafter "Wagner").

6.1. As for claim 13, the system of Ellis and DeFreese does not disclose **wherein the notification screen is an icon which is overlaid and displayed on a program video.**

However, Wagner, in analogous art, discloses a **notification icon** (Fig. 6, elements 40, 41) **overlaid and displayed on a program video** (30).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify the system of Ellis and DeFreese with Wagner's teaching in order to provide for ease of use of program navigation and selection.

6.2. Claim 15 is rejected by the same analysis as claim 13.

6.3. Claims 18 is rejected by the same analysis as claim 13.

6.4. As for claim 31, the system of Ellis and DeFreese does not disclose **wherein the notification screen is an icon which is overlaid and displayed on a program video.**

However, Wagner, in analogous art, discloses a **notification icon** (Fig. 6, elements 40, 41) **overlaid and displayed on a program video** (30).

Therefore, it would have been obvious to one of ordinary skill in art, at the time of invention, to modify the system of Ellis and DeFreese with Wagner's teaching in order to provide for ease of use of program navigation and selection.

6.5.Claim 33 is rejected by the same analysis as claim 31.

6.6.Claim 36 is rejected by the same analysis as claim 31.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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